

# **Exhibit 8**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION  
3  
4

5 CHASOM BROWN, WILLIAM BYATT,  
6 JEREMY DAVIS, CHRISTOPHER  
7 CASTILLO, and MONIQUE  
8 TRUJILLO, individually and on  
9 behalf of all other similarly  
10 situated,

11 Plaintiffs,

12 No.

13 vs.

14 4:20-cv-03664-YGR-SVK

15 GOOGLE LLC,

16 Defendant.  
17 \_\_\_\_\_/

18 VIDEOTAPED DEPOSITION OF BRUCE SCHNEIER  
19 Remote Zoom Proceedings  
20 Cambridge, Massachusetts  
21 Monday, July 18, 2022  
22

23 REPORTED BY:

24 LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

25 Pages 1 - 233


Job No. 5312337

Page 1

<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION 3 4 5 CHASOM BROWN, WILLIAM BYATT, JEREMY DAVIS, CHRISTOPHER 6 CASTILLO, and MONIQUE TRUJILLO, individually and on 7 behalf of all other similarly situated, 8 Plaintiffs, 9 No. vs. 4:20-cv-03664-YGR-SVK 10 GOOGLE LLC, 11 Defendant. 12 _____/ 13 14 15 Videotaped deposition of BRUCE SCHNEIER, 16 taken on behalf of Defendant, Remote Zoom Proceedings 17 from Cambridge, Massachusetts, beginning at 11:03 a.m. 18 Eastern Daylight Time and ending at 7:20 p.m. Eastern 19 Daylight Time, on Monday, July 18, 2022, before 20 Leslie Rockwood Rosas, RPR, Certified Shorthand Reporter 21 No. 3462. 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 APPEARANCES (Continued): 2 3 MORGAN &amp; MORGAN 4 BY: JOHN A. YANCHUNIS, ESQ. 5 201 North Franklin Street, 7th Floor 6 Tampa, Florida 33602 7 (813) 223-5505 8 jyanchuis@forthepeople.com 9 10 11 FOR THE DEFENDANT: 12 QUINN EMANUEL URQUHART &amp; SULLIVAN, LLP 13 BY: STEPHEN A. BROOME, ESQ. 14 ALYSSA (ALY) G. OLSON, ESQ. 15 865 South Figueroa Street, 10th Floor 16 Los Angeles, California 90017 17 (213) 443-3285 (Mr. Broome) 18 (213) 443-3000 (Ms. Olson) 19 stephenbroome@quinnemanuel.com 20 alyolson@quinnemanuel.com 21 22 Also Present: 23 Elvert Ling, Quinn &amp; Emanuel summer associate 24 Haimin Zhang, Analysis Group 25 Robert Fenton, Videographer</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES: 2 3 FOR THE PLAINTIFFS: 4 SUSMAN GODFREY LLP 5 BY: IAN B. CROSBY, ESQ. 6 1201 Third Avenue, Suite 3800 7 Seattle, Washington 98101 8 (206) 516-3861 9 icrosby@susmangodfrey.com 10 -and- 11 BY: ALEXANDER P. FRAWLEY, ESQ. 12 3201 Avenue of the Americas, 32nd Floor 13 New York, New York 10019 14 (212) 729-2044 15 afrawley@susmangodfrey.com 16 17 BOIES SCHILLER FLEXNER LLP 18 BY: HSIAO (MARK) C. MAO, ESQ. 19 44 Montgomery Street, 41st Floor 20 San Francisco, California 91401 21 (415) 293-6800 22 mmao@bsflp.com 23 24 25</p> <p style="text-align: right;">Page 3</p>	<p>1 I N D E X 2 3 4 MONDAY, JULY 18, 2022 5 6 WITNESS EXAMINATION 7 BRUCE SCHNEIER 8 9 BY MR. BROOME 10 10 BY MR. CROSBY 220 11 12 13 14 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER: 15 (NONE) 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 5</p>

<p>1 Q. So we've loaded Exhibit 7, which is your article</p> <p>2 Privacy Threats in Intimate Relationships, which you</p> <p>3 coauthored with Karen Levy; is that accurate?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And let's see. First of all, on page 2, 15:26:13</p> <p>6 bottom left, very last sentence beginning in the</p> <p>7 left-hand column on page 2. It says: "People living in</p> <p>8 the same household may share computers, phones, and other</p> <p>9 connected devices."</p> <p>10 Do you see that? 15:26:31</p> <p>11 A. That was a long page. Yes, I do see it.</p> <p>12 Q. Okay. And do you agree with that?</p> <p>13 A. Yes.</p> <p>14 Q. And then if you go to -- skip ahead to page 10.</p> <p>15 A. I'm there. 15:26:48</p> <p>16 Q. Okay. Right in the heading there, Implication 6</p> <p>17 says: "Realize that households are not units; devices</p> <p>18 are not personal; the purchaser of a product is not its</p> <p>19 only user."</p> <p>20 A. Yes. 15:27:24</p> <p>21 Q. And I had asked you if you agreed with that. Do</p> <p>22 you agree with that?</p> <p>23 A. So that is a -- an implication. So what that's</p> <p>24 saying is that those things are not always true. I mean,</p> <p>25 it's a person over a product is often its only user in 15:27:36</p> <p style="text-align: right;">Page 134</p>	<p>1 Q. It says: "I have my browser configured to</p> <p>2 delete my cookies every time I close it, which I do</p> <p>3 multiple times a day. I am still being surveilled, but</p> <p>4 now it's much harder to tie all those small surveillances</p> <p>5 back to me and ads don't follow me around." 15:29:54</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Why did you configure your browser setting to</p> <p>9 delete cookies every time you close your browser?</p> <p>10 A. It's an easy thing to do, and I think it -- it 15:30:04</p> <p>11 helps block surveillance in some cases.</p> <p>12 Q. Does it provide some degree of privacy?</p> <p>13 A. I think it provides some degree of privacy, yes.</p> <p>14 Q. Privacy from internet tracking companies?</p> <p>15 A. Yes. 15:30:21</p> <p>16 Q. Privacy from Google?</p> <p>17 A. You know, I've learned a lot more about Google</p> <p>18 tracking than I knew in 2014 so I'm not sure. You know,</p> <p>19 these days I think Google is able to join to various</p> <p>20 sessions of mine, or at least some of them. 15:30:37</p> <p>21 Q. Right. But you haven't seen any evidence that</p> <p>22 Google's actually done that; correct?</p> <p>23 A. No, but I think it would be a bad business model</p> <p>24 if they didn't. I mean, I can see what they talk about</p> <p>25 in their writings to analytics customers. For me, it's 15:31:08</p> <p style="text-align: right;">Page 136</p>
<p>1 the example of a smartphone. So I mean, that's shortened</p> <p>2 because it's the title of a section so there's a bunch of</p> <p>3 caveats missing.</p> <p>4 Q. Okay. But as a general matter, you would agree</p> <p>5 that households are not units and devices are not -- 15:27:57</p> <p>6 households are not necessarily units and devices are not</p> <p>7 necessarily personal?</p> <p>8 A. Yes. As a design assumption.</p> <p>9 Q. Okay.</p> <p>10 A. That's who I'm speaking to. I'm speaking to 15:28:12</p> <p>11 designers of systems.</p> <p>12 Q. Right. And well, you're speaking to designers</p> <p>13 of systems, and this is a design assumption, but it is a</p> <p>14 design assumption that is a -- has a real-world practical</p> <p>15 application; right? 15:28:30</p> <p>16 A. Yes.</p> <p>17 Q. All right. Okay.</p> <p>18 Can we go back to your Data and Goliath book for</p> <p>19 a moment. I think that was 3, Exhibit 3. Page 217 in</p> <p>20 the book, page 155 in the PDF. 15:29:08</p> <p>21 A. I'm here.</p> <p>22 Q. There's a heading that says "Distort</p> <p>23 Surveillance."</p> <p>24 Do you see that?</p> <p>25 A. I do. 15:29:37</p> <p style="text-align: right;">Page 135</p>	<p>1 something prudent to do. It's easy to do and provides me</p> <p>2 some measure.</p> <p>3 Q. I asked whether you'd seen any evidence that</p> <p>4 Google's actually done that, and you said no. Just so</p> <p>5 the record is clear, your answer is no, I have not seen 15:31:23</p> <p>6 any evidence that Google's actually done that; is that</p> <p>7 right?</p> <p>8 A. No. I'm not privy to Google's actual data</p> <p>9 surveillance practices.</p> <p>10 Q. Okay. I think we got another record problem 15:31:38</p> <p>11 because I said "is that right," and you said "no."</p> <p>12 A. Yeah.</p> <p>13 Q. Let me ask the question again.</p> <p>14 Have you seen any evidence that Google is able</p> <p>15 to join the various sessions? 15:32:06</p> <p>16 A. Yes.</p> <p>17 Q. No, wait. That's not what I meant to ask.</p> <p>18 Have you seen any evidence that Google has</p> <p>19 actually joined the various sessions?</p> <p>20 A. No. 15:32:22</p> <p>21 Wait. Counsel's evidence; right? So we have</p> <p>22 the deposition of the FBI agent that said speaks to</p> <p>23 linking private browsing and non-private browsing.</p> <p>24 Right? We have that article by Sara Watson, of her</p> <p>25 questioner, who says I was browsing Incognito and the ad 15:32:50</p> <p style="text-align: right;">Page 137</p>

<p>1 A. I do.</p> <p>2 Q. Does this refer to just providing users with</p> <p>3 some control?</p> <p>4 A. No, I think Google is making a stronger</p> <p>5 statement than some. They're saying that you can 19:17:17</p> <p>6 control. They're not saying you can control partly, you</p> <p>7 can control a little bit. You can control in these</p> <p>8 areas, not those areas. They're saying you can control</p> <p>9 it.</p> <p>10 Q. So earlier on in the deposition, you recall 19:17:33</p> <p>11 being asked questions about local privacy that's in</p> <p>12 Incognito or private browsing modes?</p> <p>13 A. Yes.</p> <p>14 Q. And so if you turn to paragraph 285 in your</p> <p>15 report in the last sentence, you reach the ultimate 19:18:04</p> <p>16 conclusion: "Google's disclosures give rise to a</p> <p>17 reasonable expectation that Google will not collect</p> <p>18 users' private browsing information." Correct?</p> <p>19 A. Yes.</p> <p>20 Q. And so is it your opinion that Google's 19:18:18</p> <p>21 representations to users are that it would only not</p> <p>22 collect -- it would only respect local privacy and not</p> <p>23 give any privacy from Google?</p> <p>24 MR. BROOME: Object to the form.</p> <p>25 THE WITNESS: I think Google is deliberately 19:18:35</p> <p style="text-align: right;">Page 226</p>	<p>1 THE WITNESS: Thanks much.</p> <p>2 THE VIDEOGRAPHER: Would counsel like to</p> <p>3 conclude the video record?</p> <p>4 MR. BROOME: Yeah, we can go off the record.</p> <p>5 MR. CROSBY: Yes. 19:20:24</p> <p>6 THE VIDEOGRAPHER: We are going off the record</p> <p>7 at 7:20 p.m., and this concludes today's testimony given</p> <p>8 by Bruce Schneier. The total number of media used was</p> <p>9 one and will be retained by Veritext Legal Solutions.</p> <p>10 (Time noted: 7:20 p.m. Eastern Daylight Time.)</p> <p>11 --oOo--</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 228</p>
<p>1 blurring that distinction in a way that -- to make users</p> <p>2 sort of unaware of the distinction. They use the word</p> <p>3 "we" a lot. You're in control. You know, control what</p> <p>4 we collect. So that taken with the splash screen, which</p> <p>5 says Chrome -- which says Chrome, I think it is -- that 19:19:03</p> <p>6 distinction between Chrome and Google, since Chrome is a</p> <p>7 Google service, is blurred.</p> <p>8 Q. BY MR. CROSBY: Did Google's disclosures that</p> <p>9 you've read ever limit its prudence to privacy to local</p> <p>10 control? 19:19:27</p> <p>11 MR. BROOME: Objection.</p> <p>12 THE WITNESS: You know, "ever" is a lot. I do</p> <p>13 not recall any.</p> <p>14 Q. BY MR. CROSBY: So just to be clear, would</p> <p>15 Google's disclosures that you've read apply to just 19:19:43</p> <p>16 Chrome or to its complete services?</p> <p>17 MR. BROOME: Object to the form.</p> <p>18 THE WITNESS: In many cases, Google talks about</p> <p>19 them as a company. They'll say things like "across our</p> <p>20 services." So they speak in many cases about everything 19:19:59</p> <p>21 they do.</p> <p>22 MR. CROSBY: I'll pass the witness.</p> <p>23 MR. BROOME: And nothing further from me.</p> <p>24 Thanks very much, Mr. Schneier. It was a real</p> <p>25 pleasure to meet you, and I appreciate your time. 19:20:16</p> <p style="text-align: right;">Page 227</p>	<p>1 I declare under the penalty of perjury under the</p> <p>2 laws of the State of California that the foregoing is</p> <p>3 true and correct.</p> <p>4 Executed on _____, 2022, at</p> <p>5 _____.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 SIGNATURE OF THE WITNESS</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 229</p>

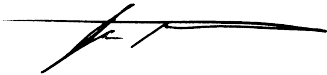
<p>1 STATE OF CALIFORNIA ) ss:  2 COUNTY OF MARIN )  3  4 I, LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462, do  5 hereby certify:  6 That the foregoing deposition testimony was  7 taken before me at the time and place therein set forth  8 and at which time the witness was administered the oath;  9 That testimony of the witness and all objections  10 made by counsel at the time of the examination were  11 recorded stenographically by me, and were thereafter  12 transcribed under my direction and supervision, and that  13 the foregoing pages contain a full, true and accurate  14 record of all proceedings and testimony to the best of my  15 skill and ability.  16 I further certify that I am neither counsel for  17 any party to said action, nor am I related to any party  18 to said action, nor am I in any way interested in the  19 outcome thereof.  20 IN WITNESS WHEREOF, I have subscribed my name  21 this 19th day of July, 2022.  22  23  24   25 LESLIE ROCKWOOD ROSAS, RPR, CSR NO. 3462  Page 230</p>	<p>1 <u>  X  </u> Federal R&amp;S Requested (FRCP 30(e)(1)(B)) – Locked .PDF  2 Transcript - The witness should review the transcript and  3 make any necessary corrections on the errata pages included  4 below, notating the page and line number of the corrections.  5 The witness should then sign and date the errata and penalty  6 of perjury pages and return the completed pages to all  7 appearing counsel within the period of time determined at  8 the deposition or provided by the Federal Rules.  9 <u>      </u> Federal R&amp;S Not Requested - Reading &amp; Signature was not  10 requested before the completion of the deposition.  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25  Page 232</p>
<p>1 IAN B. CROSBY, ESQ.  2 icrosby@susmangodfrey.com  3 July 19, 2022  4 RE: BROWN VS. GOOGLE LLC  5 JULY 18, 2022, BRUCE SCHNEIER, JOB NO. 5312337  6 The above-referenced transcript has been  7 completed by Veritext Legal Solutions and  8 review of the transcript is being handled as follows:  9 <u>      </u> Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext  10 to schedule a time to review the original transcript at  11 a Veritext office.  12 <u>      </u> Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF  13 Transcript - The witness should review the transcript and  14 make any necessary corrections on the errata pages included  15 below, notating the page and line number of the corrections.  16 The witness should then sign and date the errata and penalty  17 of perjury pages and return the completed pages to all  18 appearing counsel within the period of time determined at  19 the deposition or provided by the Code of Civil Procedure.  20 <u>      </u> Waiving the CA Code of Civil Procedure per Stipulation of  21 Counsel - Original transcript to be released for signature  22 as determined at the deposition.  23 <u>      </u> Signature Waived – Reading &amp; Signature was waived at the  24 time of the deposition.  25  Page 231</p>	<p>1 RE: BROWN VS. GOOGLE LLC  2 BRUCE SCHNEIER, JOB NO. 5312337  3 E R R A T A S H E E T  4 PAGE____ LINE____ CHANGE_____  5 _____  6 REASON_____  7 PAGE____ LINE____ CHANGE_____  8 _____  9 REASON_____  10 PAGE____ LINE____ CHANGE_____  11 _____  12 REASON_____  13 PAGE____ LINE____ CHANGE_____  14 _____  15 REASON_____  16 PAGE____ LINE____ CHANGE_____  17 _____  18 REASON_____  19 PAGE____ LINE____ CHANGE_____  20 _____  21 REASON_____  22 _____  23 _____  24 WITNESS _____ Date _____  25  Page 233</p>

**Deposition Errata**  
**Case: *Brown, et al. v. Google LLC***  
**Deponent: Bruce Schneier**  
**Date of Deposition: July 18, 2022**

I, Bruce Schneier, hereby certify that I have read the transcript of my testimony taken under oath in my deposition on the 18th day of July 2022; that the transcript is a true, complete record of my testimony and that the answers on the record as given by me are true and correct, with the following exceptions:

<b>Pg. and Ln.</b>	<b>Should Read</b>	<b>Reason</b>
15:13	Change “Hoffman” to “Hochman”	Typographical Error
19:12	Change “an” to “my”	Transcription Error
20:6	Add “7” after “Section”	Transcription Error
21:5	Change “tour to “Tor”	Typographical Error
24:3-4	Change “testing” to “text”	Transcription Error
30:20	Change “are” to “a”	Transcription Error
35:1-3	“Related to” in lines 2 and 3 should have quotes around those words	Transcription Error
38:20	Change “securities” to “security”	Transcription Error
40:5	Change “into” to “in to”	Typographical Error
40:25	Change “solid” to “Solid”	Typographical Error
41:6	Change “solid” to “Solid”	Typographical Error
42:25	Change “substantiate” to “substantiates”	Typographical Error
70:3	Change “indicating” to “indicate”	Transcription Error
72:17	Change “Everyone” to “Everybody”	Transcription Error
72:18	Change “Everyone” to “Everybody”	Transcription Error
73:8-9	Change “Everyone” to “Everybody”	Transcription Error
79:4-5	Put quotes around “unable”	Transcription Error
87:19-20	Insert “but all of my knowledge on” after “case”	Transcription Error
88:22	Add comma after “privately”	Typographical Error
101:5-7	Put quotation marks around “the state or condition of being alone, undisturbed, or free from public attention”	Typographical Error
102:3	Change “private” to “privacy”	Transcription Error
104:16	Change “would” to “who”	Transcription Error
105:16	Should read: “I’m surprised at the number of people that are surprised”	Transcription Error
109:10	Change “by” to “from”	Transcription Error
110:18-19	Lines 18-19 should say: “does Google know the identity of an Incognito user?”	Transcription Error
116:25	Change “identify” to “identity”	Transcription Error
131:15	Change “your” to “you’re”	Typographical Error
132:17	Change “individual” to “individuals”	Transcription Error
134:25-135:1	Line 25 should say: “if it’s a person or a product, it is often its only user in”	Transcription Error

138:23-24	Change “we’re” to “we were”	Typographical Error
141:13	Change “incent” to “incentivize”	Transcription Error
149:18	Change “its” to “it’s”	Typographical Error
154:15-16	Change “truly data” to “truly deleted”	Transcription Error
172:10	Change “antidotes” to “anecdotes”	Typographical Error
172:12	Change “Pachai’s” to “Pichai’s”	Typographical Error
173:9	Change “antidotes” to “anecdotes”	Typographical Error
173:13	Change “antidotes” to “anecdotes”	Typographical Error
189:10	Change “error” to “air”	Transcription Error
193:11	Change “I” to “you”	Transcription Error
194:17	Change “certain” to “certainly”	Typographical Error
218:11-19	While being examined about Deposition Exhibit 6, I correctly recalled that I had written about that article in my rebuttal expert report and stated, “Let me check what I wrote about it. Which article is it in my appendix?” Mr. Broome then incorrectly told me that “this article is not in the appendix.” In fact, the article was addressed in Schneier Rebuttal Appendix 2 at page 9 (entry for GOOG-CABR-04665283).	
223:22	Change “Mr. Mao” to “Mr. Frawley”	Transcription Error
223:23	Plaintiffs’ counsel did not Introduce Exhibit 10. That had already been marked by Google’s counsel. Plaintiffs’ Counsel at this point introduced Exhibit 11.	Transcription Error
227:9	Change “prudence” to “provenance”	Transcription Error



BRUCE SCHNEIER

17 August 2022

DATE